

Application No. 10/004,623
Amendment dated April 2, 2008
Reply to Office Action of March 3, 2008

REMARKS:

Status of Claims

Claims 18-50 were previously pending. Claims 24-29 and 35-50 are canceled herein without prejudice or disclaimer and claim 30 is amended. Thus, claims 18-23 and 30-34 remain pending with claims 18 and 30 being independent.

Office Action

In the March 3, 2008, Office Action, the Examiner rejected claims 23-29, 35-40, 44-47, and 48-50 under 35 U.S.C. § 101, rejected claims 18-50 under 35 U.S.C. § 102(b) as being anticipated by Zereski (US 5,654,886), and rejected claims 18-50 under 35 U.S.C. § 103(a) as being obvious in view of Zereski and McGraw (US 5,628,050).

The § 101 Rejections

To facilitate prosecution, the claims corresponding to the Examiner's § 101 rejections have been canceled herein without prejudice or disclaimer.

The §§ 102 and 103 Rejections

The remaining pending claims (18-23 and 30-34) stand rejected as being anticipated by Zereski. Applicant respectfully notes that these claims were previously allowed by the Examiner over Zereski in the March 24, 2003, Office Action in response to an argument made by Applicant in the December 20, 2002, Amendment. Applicant submits that these claims remain allowable over Zereski and that the March 3, 2008, Office Action includes no additional evidence that warrants a reversal of the Examiner's previous finding of patentability.

In the December 20, 2002, Amendment, Applicant discussed independent claims 18 and 30 and how Zereski fails to disclose or suggest the features recited by these claims:

An example of an element not taught by Zereski is found in independent claim 18, which recites "receiving predetermined criteria for selecting natural phenomena data, wherein the predetermined criteria comprises information that describes personal preference data of a subscriber." Independent claims 24, 30 and 35 recite similar language. The Office Action cites column 2, lines 41-44 as teaching the recited language. Applicant respectfully disagrees with this interpretation of Zereski. Zereski, at column 7, line 54 to column 8 line 14 provides further details on the selection process of Zereski. The user must continuously perform selections of menu items and icons to reach an item of interest. For example, the user first may select a country such as the United States. The user then selects a city. In addition, the user must make further selections in order to obtain more details. This is quite different from Applicant's claimed invention, in which the selection criteria are predetermined. As a result, Zereski does not teach or suggest predetermined selection criteria. Applicant respectfully requests the withdrawal of the rejection of claims 18, 24, 30 and 35.

December 20, 2002, Amendment (emphasis in IFW)

In response to this argument, the Examiner allowed claims 18-50 in the March 24, 2003, Office Action. In allowing these claims, the Examiner stated the following:

Allowable Subject Matter

1. Claims 18-50 are allowed. Claims 1-17, 54, and 57-69 were cancelled.
2. The following is an examiner's statement of reasons for allowance:

The arguments and amendments of record in paper 8 on December 20, 2002 including the terminal disclaimer filed February 4, 2003 to U. S. 6,360,172 concerning claims 18 to 50 convinces the examiner that the claimed limitations are allowable over the cited art of record.

It is these amended limitations expressed in each of the claims and not found, taught, or suggested in the prior art of record that makes these claims allowable over the prior art.

March 24, 2003, Office Action

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Applicant thus respectfully reiterates its arguments from the December 22, 2002, Amendment. In particular, pending claims 18 and 30 recite the use of “predetermined” selection criteria while Zereski requires the continuous selection of information from a menu to reach an item of interest. McGraw, combined with Zereski in any manner, similarly does not disclose or suggest the use of “predetermined” selection criteria.

Applicant submits that all claims are now in a condition for allowance. Should any questions remain, the Examiner is encouraged to contact the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791.

Respectfully submitted,

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